

REMARKS

In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraph 3 of the Final Office Action under reply, the Examiner has maintained the rejection of claims 1-3, 5, 8, 10, 11 and 13 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,125,100 (Katznelson).

Applicants have cancelled claim 3, and therefore request that the rejection of claim 3 be withdrawn as moot.

With regard to the remaining claims, Applicants once again respectfully disagree with the Examiner's interpretation of the Katznelson reference, and in particular disagree with the Examiner's interpretation of Applicants' claims and the Katznelson reference as stated at paragraph 7 of the Final Office Action. Applicants therefore reserve the right to respond to these arguments, and also to re-present previously submitted argument in later proceedings as may be necessary. Failure to reiterate these arguments in this submission should not be construed as an acquiescence or agreement by Applicants that the Examiner's arguments in the May 5, 2005 office action are correct. However, in order to further prosecution of this application, Applicants have amended claim 1 and have rewritten claims 4, 6 and 7 in independent form to place all of these claims in condition for allowance, and to further differentiate these claims from the prior art.

Applicants have amended claim 1 to include a recitation somewhat similar to that originally presented in claim 3, but which includes important differences. The language of amended claim 1 now specifically recites, "wherein the definition of optimum overall performance of a system is user configurable and based upon a user defined weighting between a

measured amount of risetime, overshoot, and preshoot in the system step response.” Therefore, according to claim 1, generation of the allpass filter coefficients is based particularly on a user-defined weighting between measured risetime, overshoot and preshoot.

In the Final Office Action here under reply, claim 3 was rejected; but the Examiner referred to column 18, lines 25-38 of Katznelson to support his conclusion that Katznelson “discloses the definition of optimum overall performance of a system is user configurable and based on the measured amount of risetime, overshoot, and preshoot in the system step response.” To clarify, this portion of Katznelson reads as follows:

The results shown in FIG. 10 [a time domain bilevel waveform associated with a particular power spectrum] correspond to a process in which C_b was raised to 7.2 units gradually during several hundred iterations and then reduced to 0 units for the remaining iteration steps, whereupon only top limiting effects contribute to the generation of the auxiliary carriers. In a preferred operation mode, a higher value for C_b may be used whereby slightly higher peak amplitudes may be encountered but with the desired result of further suppressing nonlinear distortions. That is, since a higher C_b necessarily means that sharper transitions occur in the amplitude of the multicarrier signal, slight overshoots may occur in the amplitude but the resulting signal should better approach a bilevel signal.

While this portion of Katznelson does mention the word “overshoots”, it does so only to describe the result of implementing the system noted therein, namely implementation of Katznelson’s system will result in slightly more overshoot. However, Katznelson disregards this problem, stating that the resulting signal “should better approach a bilevel signal.” There is no discussion anywhere else in the reference that even refers to overshoot. There is no mention whatsoever of risetime or preshoot. Additionally, there is no mention of using a user selected weighting of these three factors to generate coefficients for the allpass filter to optimize the operation of the system. Katznelson therefore fails to teach this feature of the invention. Consequently, claim 1 is nether anticipated nor rendered obvious by Katznelson.

Claims 2, 5, 8-11 and 13 depend, either directly or indirectly from independent claim 1. Applicants therefore submit that claims 1-2, 5, 8, 10, 11 and 13 are allowable. Applicants respectfully request that the rejection of these claims under 35 USC 102(b) be withdrawn.

At paragraph 5 of the Final Office Action under reply, the Examiner rejects claim 9 as being unpatentable under 36 USC 103(a) over Katznelson in view of Miller (U.S. Patent No. 6,532,256). Applicants respectfully traverse the rejection.

Claim 9 depends indirectly from claim 1, and is patentable for this reason alone, and additionally as presenting an independently patentable combination in its own right. The addition of Miller fails to cure the defect of Katznelson noted above. Applicants therefore request that the rejection of claim 9 under 35 USC 103(a) be withdrawn.

Applicants note with appreciation the indication that claims 4, 6, 7 and 12 include allowable subject matter. Applicants have rewritten claims 4, 6 and 7 in independent form including the base and any intervening claims, and therefore submit that the these claims, as well as claim 12 which depends from claim 4, are in condition for allowance.

CONCLUSION

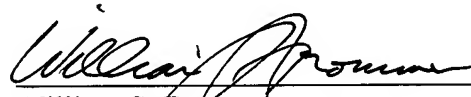
Applicants have made a diligent effort to place claims 1-2 and 4-13 in condition for allowance, and entry of the above amendments and notice of the allowance of these claims is

earnestly solicited. If the Examiner is unable to enter the above claim amendments and issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,
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